Long live the King

The practice of succession from Ebert to Charles III and the question of who succeeds to theoretically to Egar the Atheling's 1067, Earl of Oxford title uncovered from his overlooked history

Gleanings form Blackstone and others:
A layperson researcher's understandings

A draft manuscript pending updates based on further discoveries

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Research context

Research investigator John Guest collected and organised much of the evidence presented in this paper, compiling a narrative that had been on hold as a draft manuscript since November 14, 2019. This work was later revisited to reconcile historical records pertaining to the Halifax family line, as documented in the College of Arms pedigree Ms7D14/45 dated December 16, 1778.

A specific lineage detailed in the document, combined with ongoing records of Birth, Death, and Marriage (BDM), showcases how John Guest and his cousins, Darren John Halifax and Dennis Keith Lillee, AM, MBE, petitioned the Crown to have recognised Edgar the Atheling's overlooked dignity was a creation made by William I. Their familial connection to Edgar, through his sister Margaret, was subsequently recognised post-petition in 2025, along with their descent from the last individual mentioned in the document, born in 1586, whose lineage, Robert Hallifax (1586-1639), was also confirmed as a direct descendant of Margaret of Scotland and Malcolm III of Scotland.

The College of Arms, operating under the authority of the King's Office and Privy Council, has invited the petitioners to submit a more formal supplemental petition for Edgar the Atheling to be acknowledged as Earl under a creation by William I. After reviewing the petitioners' evidence, it has been determined that the creation and its direction are currently held in abeyance.

The College of Arms' expert genealogists further verified and validated many other ancient bloodlines connected to this lineage, cascading down to Guest, Halifax, Lillee, their descendants, and the offspring of their siblings and relevant cousins. The earliest lineal ancestor noted in the vetted and validated pedigree record Ms7D14/45 is Robert Waterhouse-Hallifax (1586-1639), later Reverend Robert Hallifax, husband of Margeret, nee Benson. He is as the son of Sir Waterhouse (1544-1598) and Jane Waterton (c.1557-aft 1607), the daughter of Sir Thomas Waterton II (1526-1575) and Beatrice Waterton (1518-156), née Restwold.

Through the Waterton matrilineal line, verified by the College of Arms expert geologist, the petitioner's descent from Margaret and III of Scotland was confirmed by the Crown's expert and the Crown's Privy Council Office in 2024. Petitioner Darren John Halifax, through the senior line from the family Ms7D1445, was favoured to succeed to the Earl of Oxford title, created in 1067 by I for Edgar the Atheling, Margaret's brother, and passed down to his heir David I through his sister Margaret, ultimately cascading to Darren based on the lineage established in 2024.

Subsequent expert advice clarified while the petitioners had established their lineage from and Malcolm through their son, David I of Scotland, it represented only a line. For Darren's claim to be recognised as the most senior descendant through the line, all other potential candidates would need to be identified, traced, and supported by evidence to eliminate them as senior, which the petitioners acknowledged was impossible and a futile endeavour. Consequently, the focus shifted to urging the Crown to declare William I had created the Earl of Oxford title for Edgar the Ætheling to rectify a historical that had excluded his dormant hereditary title from the peerage records since the mid-17th century.

This segment of the collaborative project, initiated in 2018 between petitioner John Guest and researcher and author of various petitions submitted the Crown, focuses on advancing the joint project with the College of Arms.

It shifts its attention away from “other” and “peers" and the majority of “others” in particular who may not know their descent from David I, son of Margaret and Malcolm III. Even if they suspect lineage, they would need to provide evidence equivalent to that of the petitioners.

Attempting to trace these over the past 900 years, given the complexities of mixed bloodlines, could unnecessarily burden the Crown with administrative tasks that the petitioners never intended. The petitioners have graciously accepted the Crown's invitation to submit additional evidence support of restoring Edgar the Atheling's dignity, has led to Edgar's dormant title being placed in abeyance due to succession questions in May 2025.

The parties involved in the petition have consistently acted in good faith during the evidence-based investigations regarding the title of Edgar, Earl of Oxford. the lawyers of His Majesty's Government examine the succession issue and the petitioners' recent proposal to address the matter of abeyance; the petitioners have diligently focused on identifying the most senior direct descendant along a mixed male-female hereditary line to whom the Edgar title would have had it not been overlooked by David I and his heir long ago. It is important to note that the of Oxford title from 1067 is an incorporeal personal dignity, passed down through inheritance still exists today. This document aims to provide a definitive answer to the question of ownership. The researcher and author, aware of the succession issue and respectful of His Majesty's grace and the of the King's genealogical and peer law experts who have assisted the petitioners in determining their line of from Margaret and Malcolm III in 2024, particularly support the current writer in progressing the restoration of Edgar's personal dignity. They have realized that there has been little on His Majesty's line of descent from the shared ancestors, Margaret and Malcolm III.

Setting aside momentarily the constitutional succession and Acts of Parliament briefly, and in the context of the utmost respect for His Majesty Charles III as a, if there is a question regarding someone else more senior in line to Edgar's Earldom than Darren, what can the petitioners gain about the rightful owner of the title, thereby necessitating Charles III's inclusion in research? Additionally, how could Charles III's as a potential successor to Edgar's peerage, should he claim it, inform this inquiry about successor to the Earl of Oxford 1067 peerage title?

By exploring this investigative path, particularly through Edgar's sister's son, David I unnecessary hereditary claims by "others," whether more or less to Darren, may be avoided in determining if the Earl of Oxford from 1067's succession question, currently in abeyance, is resolved by the petitioners' research proposition that it is, in fact, His Majesty's personal property. A simple "yes" or "no to refute or confirm the proposition may be stitch in time that provides a suitable outcome, ensuring Edgar's memory is appropriately restored and not lost to a dormant peerage in abeyance, given the of the find.

An affirmative response supported by evidence, the petitioners believe, would relieve His Majesty's Government lawyers and the expert heralds and genealogists at College of Arms from the obligation of investigating the succession question. This would potentially resolve the dormant Earl of Oxford title and allow the rightful owner to reclaim the property.
If confirmed, Charles III might address lingering sensitivities by retiring the 1067 creation and with the support of an Act of Parliament, establish a new 2026 Earl of Oxford title under his direction.

Without hast, this inquiry begins with evidence-based discussion tracing the succession of the Crown from Egbert to Charles III considering variations in succession through conquest and hereditary lineage, as the constitutional limits of Acts of Parliament and their potential impact

on understanding Charles III's position in relation to ancestor Edgar the Atheling and the 1067 Earl of Oxford title particularly if he were to submit a counterclaim in response to Darren Halifax's claim.

The research investigation discoveries in summary

The title of Earl of Oxford, established 1067 and currently in abeyance, is considered the personal property of Charles III. This practical treatise focuses on the reality of monarchical succession in England detailing the principles and procedures of hereditary. It traces Charles III's lineage back to King Egbert of the House of Wessex through Margret of Scotland and her husband Malcolm III, continuing successive monarchs, including Edward I, II, and III. Meanwhile, Darren Hallifax descends from Elizabeth Plantagenet, the younger sibling of Edward II, diverging from Charles III's line from II. This confirms that, in terms of the dormant peerage of the Earl of Oxford, Charles III holds a more senior hereditary claim than Darren and his co-petition, effectively making other claims for the dormant title in abeyance invalid. Therefore, a public declaration of the existence of the personal dignity title, of Oxford 1067, should not be considered an administrative burden at least from the petitioner’s understanding, as it is the rightful personal property of Charles and no other.

The petitioner claims that, based on fundamental hereditary facts, constitutional principles, and limitations set by Acts of Parliament, Charles III would be new holder, regardless of any counterarguments. Below, the petitioner outlines their reasoning for this determination for clarity. Additionally, as an introductory summary to the research, the focus was initially placed on the Anglo-Saxon and Anglo-Norman jurisdictions of successive monarchs (both male and female), which have been found to rectify hereditary successions tracing back to the ancestral line of King Charles II and King Egbert, despite the reigns of Canute, William the Conqueror, as well as various monarchical crises.

The writer's professional framework is based on Sir William Blackstone's Book 1, Chapter3, which served as the primary resource for the petitioner's self-education regarding the hereditary nature of the British monarchy and the legal principles surrounding crown succession. At the appropriate point, we succinctly address the issue of succession related to the hereditary title dignity, specifically referencing the creation of the Earldom of Oxford by William I from Edgar the Atheling, which remains a dormant peerage claimable.

For those who may doubt the petition assertion that the Earl of Oxford title held by Edgar the Atheling is indeed the property of His Majesty Charles III, irrespective of the whether or not the Sovereign claims it, this paper thoroughly outlines the petitioner's research process, following the hereditary paths investigated, enabling readers to grasp the logic behind the determination that the peerage title is the personal property of the King.[1] [2] [3] [4]

[1] Source 1: The Commentaries on the Laws of England of Sir William Blackstone, Knt., formerly one of the justices of Court of Common Pleas, adapted to the present state of the law, by Robert Malcolm Kerr, LL. D, Barrister at Law, Judge of the City of London Court, and One of the Commissioners the Central Criminal Court. Vol. I. Of the Rights of the Common Person. Chapter 3, pp 42-62, “Of the King, and His Title” Fourth Edition. 1876.

[2] Source 1: The Commentaries on the Laws of England of Sir William Blackstone, Knt., formerly one of the justices of Court of Common Pleas, adapted to the present state of the law, by Robert Malcolm Kerr, LL. D, Barrister at Law, Judge of the City of London Court, and One of the Commissioners the Central Criminal Court. Vol. I. Of the Rights of the Common Person. Chapter 3, pp 42-62, “Of the King, and His Title” Fourth Edition. 1876.

[3] Robert Malcolm Kerr, LL. D, Barrister at Law, aims to update William Blackstone's Commentaries (1765-1769) to reflect current law. While reprinting Blackstone’s original work, 1765-1769, was preferred, alterations were necessary to provide a relevant view of England's laws in 1876.

[4] Source 2: Yale Law School, Lilian Golman Law Library, The Avalon Project, Documents in Law, History and Diplomacy and the Longan Institute’s dissertation were consulted for currency.

Reasoning, the Earl of Oxford Title 1067, is the King's personal property

Monarchical succession hallmarked by succession struggle and hereditary primacy

While it is true that succession has often been interrupted by fraud, force or necessity—such as when the crown passed to a minor during turbulent times has ultimately returned to the traditional hereditary line, albeit after significant intervals. Even when succession was disrupted, the crown has always been viewed as hereditary. Usurpers were aware of this perception and often sought to create a semblance of legitimacy by claiming, attempting to placate the populace while securing their hold on power. Once they gained control, they viewed it as an acquisition of a new hereditary estate, aiming to pass it on to their descendants through a claimed hereditary right of usurpation.

In search of understanding, sense making

The highest executive authority in these kingdoms is granted by our laws to one individual, the king or queen. The gender of the heir to the crown is irrelevant; the rightful claimant, regardless of being male or female, is instantly endowed with all the symbols, rights, and privileges of sovereign power as stated in statute Mar. St. 3. c. 1.

When discussing the royal rights and authority, Blackstone examines the king from six different perspectives: 1. His title. 2. His royal lineage. 3. His councils. 4. His responsibilities. 5. His prerogative. 6. His income. To begin, Blackstone focuses on his title.

The notion of executive authority

The executive authority of the English nation is entrusted to a single individual, based on the collective agreement of the people, evidenced by long-standing tradition. To ensure the freedom and of the state, it became essential to establish a clear, consistent, and lasting rule that defines this individual responsible for care and protection of the community, to whom every person owes their duty and allegiance in accordance with the law.

It is crucial for public peace and individual conscience that this rule is clear and unquestionable. Our constitution provides clarity on this significant matter. Therefore, Blackstone's in publishing his chapter 3 aimed accurately as legal, royal and peerage history informs, to outline the constitutional principles of royal succession, balancing honesty and freedom and the respect and reverence that the ideals of liberty and the dignity of individuals' demand.

Blackstone asserts that the fundamental principle underlying the jus coronae, or right to succeed to the throne in these kingdoms, is that "that the crown is, by common law and constitutional custom, hereditary; and this in a manner peculiar to itself: but that the right of inheritance may from time to time be changed or limited by act of parliament; under which limitations the crown still continues hereditary." In his Chapter 3, Blackstone demonstrates this proposition in its entirety:

- First, that the crown is hereditary.
- Second, its hereditary nature is distinct.
- Third, that this inheritance can be limited by an Act of Parliament.
- Fourthly, that even when limited, it remains hereditary for the new holder.

Hereditary right is recognised by English law originating from the founders the constitution

The crown is typically hereditary, passing down to the next upon the death of the last owner. All royal governments must be either hereditary or elective; and since Blackstone believes there has never been a case where the English crown since William I, was claimed to be elective, except the regicides during the notorious trial of King Charles I, it follows that it must be hereditary.

Yet while he asserts a hereditary claim, Blackstone by no means intends a *jure divino,* divine right title to throne. Explaining such a title may be considered to have existed under the theocratic establishments of children of Israel in Palestine, but it has never existed in any other country, except so far as kingdoms, like other human constructs, are subject to the general and dispensations of providence. Moreover, a *jure divino* and a hereditary right do not necessarily correlate each other, as some have mistakenly imagined.

David and Jehu held their titles by the same right as Solomon and Ahab., David killed the sons of his predecessor, and Jehu eliminated his predecessor himself. Our kings only possess the crown of England with a right akin to theirs—either through sitting on fathers' thrones or dismantling the previous sovereign's house— they have the same authority, and not before.

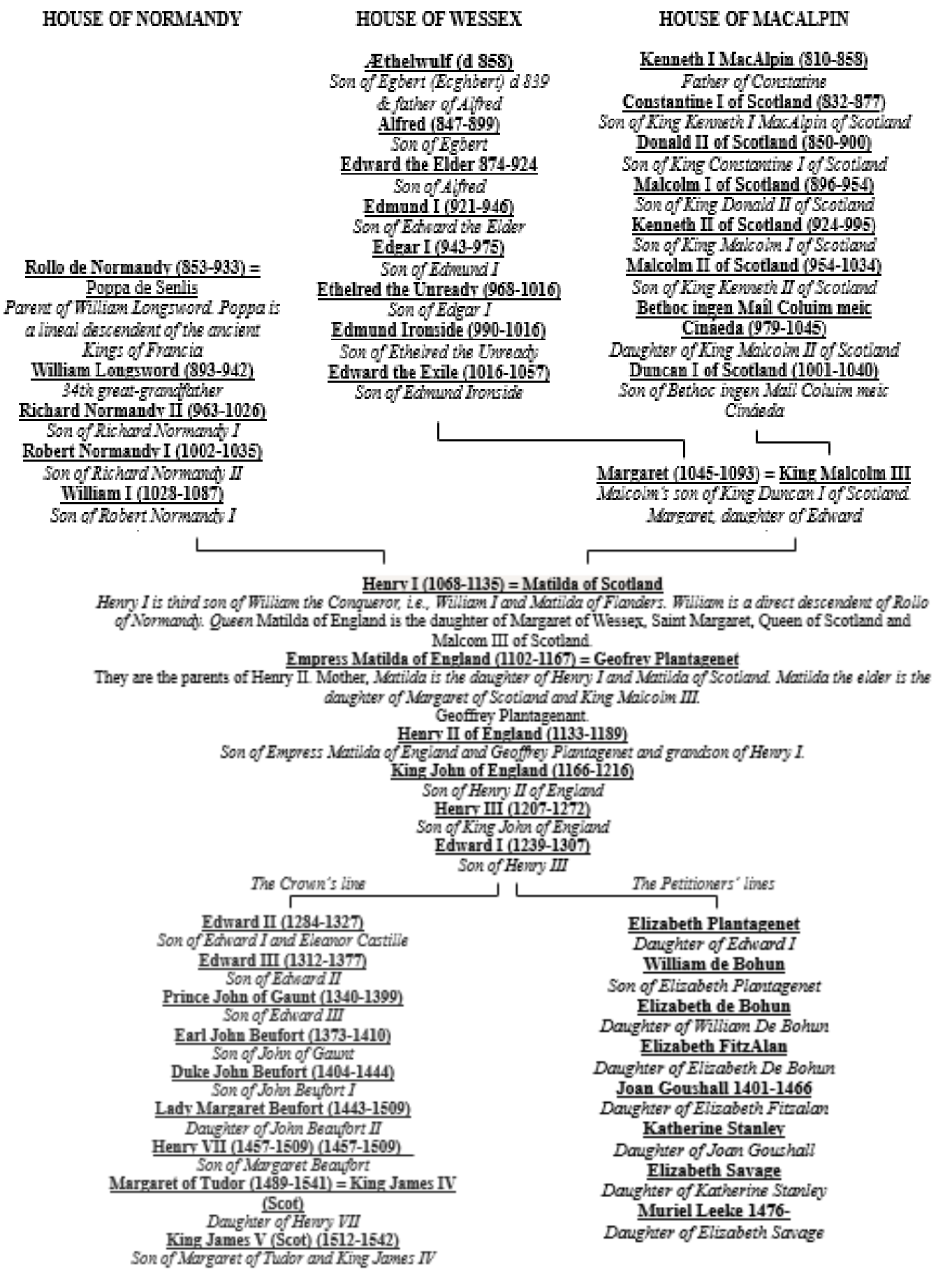
The hereditary right recognised by English law originates solely from the founders our constitution. It is unrelated to the civil laws of the Jews, Greeks, Romans, or any other nation, as the municipal laws of one do not connect with or influence the foundational governance of another.

The founders of our English monarchy might have considered making it an elective monarchy, but they wisely opted to establish a system of inheritance instead. This has been accepted by the general populace and gradually developed into common law, similar to the rights individuals have over their own property. As lands are not inherently meant to be passed down, neither are thrones; however, the law has deemed it beneficial for public order to establish hereditary succession in both cases.

Incorporeal property, such as a hereditary peerage title or fee simple, serves as a valuable tool to trace the most senior bloodline, for instance, from Margaret of Wessex, Queen of Scotland, wife of Malcolm III. A rare title, recently acknowledged by His Majesty’s Government, was established by William I for Edgar the Atheling (c. 1051-5/6), Margaret’s brother, and can be utilized for lineage modelling.

Notably, Edgar, who lived a long life was created Earl of Oxford in 1067, died without heirs, leaving the title as incorporeal property linked to descendants of his sister Margaret. Research has revealed Edgar’s peerage, leading to petitions to the Crown for recognition of Earl of Oxford title, while discussions regarding the rightful successor is ongoing. Shown below is the Houses of Normandy, Wessex and MacAlpin bloodline flowing to the modern Crown and the recent Petitioner’s[5] descent from the same royal houses:

[5] In 2023, the Petitioners had their direct lineage to William I and Matilda of Flanders, as well as to Margaret and Malcolm III of Scotland, verified by the Crown's College of Arms following an extensive collaboration. In 2024, they were invited to provide additional proof of Edgar the Atheling's status as Earl of Oxford under William I. This supplementary petition confirmed the foundational fact, and the petition is currently on hold pending further review by the Crown regarding succession claims. The petitioners are actively collaborating with the Crown to resolve the related complex issues.


HOUSE OF NORMANDY
HOUSE OF WESSEX
HOUSE OF MACALPIN
Æthelwulf (d 858)
Son of Egbert (Ecghbert) d 839
& father of Alfred
Alfred (847-899)
Son of Egbert
Edward the Elder 874-924
Son of Alfred
Edmund I (921-946)
Son of Edward the Elder
Edgar I (943-975)
Son of Edmund I
Ethelred the Unready (968-1016)
Son of Edgar I
Edmund Ironside (990-1016)
Son of Ethelred the Unready
Edward the Exile (1016-1057)
Son of Edmund Ironside
Kenneth I MacAlpin (810-858)
Father of Constatine
Constantine I of Scotland (832-877)
Son of King Kenneth I MacAlpin of Scotland
Donald II of Scotland (850-900)
Son of King Constantine I of Scotland
Malcolm I of Scotland (896-954)
Son of King Donald II of Scotland
Kenneth II of Scotland (924-995)
Son of King Malcolm I of Scotland
Malcolm II of Scotland (954-1034)
Son of King Kenneth II of Scotland
Bethoc ingen Maîl Coluim meic Cinaeda (979-1045)
Daughter of King Malcolm II of Scotland
Duncan I of Scotland (1001-1040)
Son of Bethoc ingen Maîl Coluim meic Cinaeda
Rollo de Normandy (853-933) = Poppa de Senlis
Parent of William Longsword. Poppa is a lineal descendent of the ancient Kings of Francia
William Longsword (893-942)
34th great-grandfather
Richard Normandy II (963-1026)
Son of Richard Normandy I
Robert Normandy I (1002-1035)
Son of Richard Normandy II
William I (1028-1087)
Son of Robert Normandy I
Margaret (1045-1093) = King Malcolm III
Malcolm's son of King Duncan I of Scotland.
Margaret, daughter of Edward
Henry I (1068-1135) = Matilda of Scotland
Henry I is third son of William the Conqueror, i.e., William I and Matilda of Flanders. William is a direct descendent of Rollo of Normandy. Queen Matilda of England is the daughter of Margaret of Wessex, Saint Margaret, Queen of Scotland and Malcom III of Scotland.
Empress Matilda of England (1102-1167) = Geofrey Plantagenet
They are the parents of Henry II. Mother, Matilda is the daughter of Henry I and Matilda of Scotland. Matilda the elder is the daughter of Margaret of Scotland and King Malcolm III.
Geoffrey Plantagenant.
Henry II of England (1133-1189)
Son of Empress Matilda of England and Geoffrey Plantagenet and grandson of Henry I.
King John of England (1166-1216)
Son of Henry II of England
Henry III (1207-1272)
Son of King John of England
Edward I (1239-1307)
Son of Henry III
The Crown's line
The Petitioners' lines
Edward II (1284-1327)
Son of Edward I and Eleanor Castille
Edward III (1312-1377)
Son of Edward II
Prince John of Gaunt (1340-1399)
Son of Edward III
Earl John Beufort (1373-1410)
Son of John of Gaunt
Duke John Beufort (1404-1444)
Son of John Beufort I
Lady Margaret Beufort (1443-1509)
Daughter of John Beaufort II
Henry VII (1457-1509) (1457-1509)
Son of Margaret Beaufort
Margaret of Tudor (1489-1541) = King James IV (Scot)
Daughter of Henry VII
King James V (Scot) (1512-1542)
Son of Margaret of Tudor and King James IV
Elizabeth Plantagenet
Daughter of Edward I
William de Bohun
Son of Elizabeth Plantagenet
Elizabeth de Bohun
Daughter of William De Bohun
Elizabeth FitzAlan
Daughter of Elizabeth De Bohun
Joan Goushall 1401-1466
Daughter of Elizabeth Fitzalan
Katherine Stanley
Daughter of Joan Goushall
Elizabeth Savage
Daughter of Katherine Stanley
Muriel Leeke 1476-
Daughter of Elizabeth Savage

Continued …

Mary Queen of Scots (1542-1587)
Daughter of James V
James I of England & VI of Scotland (1566-1625)
Son of Queen Mary
Elizabeth Stuart (1596-1662)
Queen of Bohemia, daughter of James I & VI
Prince Sophia (1630-1714)
Daughter of Elizabeth Stuart
George I (1660-1727)
Son of Sophia
George II (1683-1760)
Son of George I
Prince Frederick (1707-1751)
Son of George II
George III (1738-1820)
Son of Frederick
Prince Edward (1767-1820)
Son of George III
Victoria (1819-1901)
Daughter of Edward
Edward VII (1841-1910)
Son of Victoria
George V (1865-1936)
Son of Edward VII
George VI (1895-1952)
Son of Edward VII
Elizabeth II (1926-2022)
Daughter of George VI
Charles III (1948-)
Son of Elizabeth II
Prince William (1982-)
Son of Charles III
Prince George (2013-)
Son of Prince William
Sir Thomas Waterton I (1501-1568)
Son of Muriel Leeke
Sir Thomas Waterton (1576-1678)
Son of Thomas Waterton I
Jane Waterton (1557-c1607)
Daughter of Sir Thomas Waterton
Rev. Robert Hallifax (1586-1629)
Son of Jane Waterton and Sir Robert Waterhouse MP
Robert the younger was the first to take the name Hallifax.
MS 7D14/45, 16-12-1678 (Coll. Arms).
Thomas Hallifax (1621-1676)
Son of Robert Waterhouse
Thomas Hallifax 1653-1711
Son of Thomas Hallifax
William Hallifax 1696-1757
Son of Thomas Hallifax
Thomas Hallifax 1717-1789
Son of William Hallifax
Robert Hallifax 1761-1838
MA. Magdalen College
Son of Thomas Hallifax/ MS 7D14/45, 16/12/1778.
Thomas New Hallifax 1789-1835
Son of Robert Hallifax
Thomas Edward Hallifax 1819-1893
Father of Thomas Edward New Hallifax
Thomas Edward New Hallifax 1842-1908
Father of Ernest Albert Hallifax
Ernest Albert Hallifax 1871-1947
Father of Leonard Gordon Hallifax
Leonard Gordon Hallifax 1904-1983
Father of Shirley Doris Hallifax
John Leonard Hallifax 1933-2016
Father of Darren Hallifax
Darren Hallifax 1966-
Shirley Doris Hallifax 1939-2014
Mother of Dennis Keith Lillee
Dennis Keith Lillee 1949-
Son of Shirley,
father of Adam and Dean
Ambrose William Hallifax 1821-1874
Son of Thomas New Hallifax
Augustus New Hallifax II 1856-1886
Son of Ambrose William Hallifax
Violet Ethel Hallifax 1882-1955
Daughter of Augustus New Hallifax II
Augustus Hallifax Hay 1910-1985
Son of Violet Ethel Hallifax
Norma Irene Hay 1932-2021
daughter of Augustus Hallifax Hay
John Lindsay Robert Guest
Son of Norma Irene Hay
Robert John Guest 1963-
Son of John L. R. Guest,
father of Harris and Levi

Despite Halifax, Lillee and Guest, the petitioners, carrying to the same maximum's extent of blood from the progenitors of these houses, Normandy, Wessex and MacAlpin, as the Windsors royal family, and both branches descending from the maternal line Margaret of Scotland, through which Edgar the Athelings heir, for his overlooked Earl of Oxford hereditary personal dignity title, incorporeal property passes, most senior, Edgar's present day successor for his title is clearly King Charles, and heir apparent his son William, Prince of Wales, then next presumptive, Prince Goerge, William's and Kate's first born son.

Hence, by using this Earldom of Oxford, 1067, in abeyance, as a succession modelling tool, the petitioners are able to recognised for the longest continuous bloodlines which have been verified by the Crown's authority the College of Arms and found to descend from Margaret and Malcolm III. Their petition and own mixed/male lines of royal descent, able to be compared to His Majesty's hereditary descent from pre-conquest progenitors of these three illustrious houses is most useful to show as a comparisons or case study in fact, how hereditary succession of the crown prevails and how subsequent sons and daughter of kings, through rising generations, adapt, converge with the general population and how they make their way in the world.

The detailed family ancestry of young Prince George, son of Prince William and grandson of Charles's III further shows their heritage and hereditary succession of the Crown from these same ancient progenitors of the House of Normandy, House of Wessex and House of MacAlpin, to which their blood flows to Henry II and down to young Prince George.

As opine of the three petitioner's and independently, as a researcher of this separate but analogous study, is subsequently informed by this present paper to consult with his co-petitioners and cousins to make recommendation to resolve the matter of abeyance for the Earl of Oxford title in existence since 1067, to be directed to the King as his rightful inheritance and his heirs presumptive.

The notion of an elective monarchy

Returning to the succession of the Crown, and whilst acknowledged superficially, by some authors of an alternative to constitutional monarchy, a hypothetical elective monarchy appears to be the most fitting and logical form of government that aligns with the principles of rational governance and human freedom.

Historically, we observe that in the early stages of nearly every state, the leader, chief magistrate, or prince has typically been chosen through election. If the citizens of that state could consistently adhere to foundational principles, remaining unaffected by passion, prejudice, corruption or intimidation, then elective succession would be just as desirable a kingdom as it is in other lesser communities.

The ideological argument for an elected monarchy is that the most exceptional, knowledgeable, and courageous individual would undoubtedly receive the crown they deserve, while a fair would willingly accept the outcome, even if they held differing views.

However, history and observation reveal that elections, given the current state of human nature, are often swayed by influence, bias, and manipulation. Even in cases where this is not true, such tactics are frequently suspected and continually claimed by a disgruntled minority that feels let down.

With the minority exercising their exalted power over the people, a wrong doing that can affect all societies, whether in private, domestic settings or within the larger public community that governs and encompasses the others. However, in the case of private matters, there is a benefit: if suspicions are unfounded, they remain as mere jealousies and whispers that time can quiet. If the suspicions are valid, any injustice can be through legal avenues, as each member of society has implicitly agreed to the authority of the courts.

In a free and society, where each nation contributes to the whole, the only authority to turn to is the law of nature, and the only way to address violations of that is through personal force. Thus, for example, when two nations are at odds over mutual grievances, their dispute can only be settled through armed conflict.

Similarly, within a single nation, if the foundational principles of their unity believed to be compromised, especially regarding the improper appointment of their leader, the only recourse for those aggrieved is to appeal to the God of battles, and the only means of pursuing this in a nation sense, is through civil war.

Hereditary succession established

A hereditary succession to the crown is now established in this and other countries to avoid the cyclical violence and suffering that the history ancient imperial Rome, as well as the more experiences of Poland and Germany, illustrate as the outcomes of elective kingdoms.

However, regarding the specific method of inheritance, it generally aligns with the feudal system of descent established by common law for succession of landed estates, with a few significant exceptions. Similar to that system, the crown is passed down directly to the descendants of the reigning monarch, as in the lineage from King John to Richard II through six direct descents. Additionally, the preference for males over females and the principle of primogeniture among males are strictly maintained.

Principle of primogeniture succession of the Crown played out in practice

Edward V ascended to the throne instead of his younger brother and elder sister Elizabeth. Like them, the crown will pass to female descendants in the absence of male heirs, following the ancient British custom noted by Tacitus:[6] “They are to wage war under the conduct of women, not to consider sex in the government of their empire,” for England knows no Salic law.

Mary I, succeeded Edward VI, and the line of Margaret, of Scots and daughter of Henry VII, followed upon the failure of Henry VIII's lineage However, the crown passes among females by right of primogeniture, awarding it solely to the eldest daughter and her descendants, rather than to all simultaneously, necessitating a single line of. This deviation from common inheritance laws allowed Queen Mary to inherit the crown alone upon her brother's death, rather sharing it with her sister Elizabeth.

Additionally, the principle of representation applies to the crown's descent, and hereditary peers, meaning that the lineal descendants of deceased individual take the place their ancestor would have occupied if they were alive.

Richard II succeeded his grandfather, Edward III, through his father, the prince, excluding all his uncles, who younger siblings of his grandfather. Ultimately, if there are no direct descendants, the crown will pass to the next relatives of the deceased king, as long as they are lineally descended from the blood royal, that is, from that royal stock which originally acquired the crown.

Henry I, succeeded William II, John succeeded Richard I, and James I succeeded Elizabeth all tracing their lineage back to the conqueror, who was the sole royal at that time. However, there is no to the succession of a brother, uncle, or other collateral relative of the half-blood in this context, meaning that their relationship does not stem both parents (which would make them a kinsman of the whole blood but rather from only one ancestor. This occurs two individuals share the same father but have different mothers, or vice versa, as long as the common ancestor from whom they descend is the one who conveys the royal blood to each.

[6] in vit. Agricolae.

Henry II, Heny I's grandson the son of Empress Matilda and Geoffrey Plantagenant, carried to the maximum extent possible the blood of the House of Wessex, the Athelings, and the House of McAlpine and House of Normandy to rebuke the myth the Royal bloodline of the Anglo-Saxon line was extinguished. Rather through his great grandmother Maragert of Wessex, Saint Margaret, Queen of Scotland is flows to him, albeit like the MacAlpine bloodline through Margaret's husband Malcom III a missed male/female direct line.

Next, we considered Mary I (Mary Tudor), daughter who inherited the throne from Edward VI, while Elizabeth inherited it from Mary. All were born to same father, King Henry VIII, by different mothers and all are grandchildren of Henry VII. The reasons for this variation between royal and common descent will be clearer when we explore the nature inheritances in general.

Mary I (1516-1558), Queen of England, also known as Mary of Tudor, should not be confused with the present crown and petitioner's lineal ancestor, listed in the chart above, Mary Queen of Scots (1542-1587). The latter Mary, Queen of Scots was also known as Mary Stuart [7]or Mary I of Scotland.[8] This Mary was Queen of Scotland from 14 December 1542 until her forced abdication on 24 July 1567.

The point being made by the side skipping per se of the Crown and resuming a hereditary direct bloodline to which a mixed male-female line is a constant feature from the present King to the progenitor Henry II and his grandparent to whom all three houses are invested in that union, the principle of hereditary right does not guarantee an unassailable claim to the throne.

"Successors" implies that this inheritance can be bypassed

Blackstone believes that anyone who examines our laws, and history objectively will not contend otherwise. Clearly, the ultimate legislative power of this—comprising the king and both houses of parliament—has the authority to override hereditary claims. They can establish specific entails, limitations, and provisions to disqualify the direct heir and assign the inheritance to someone else. This aligns perfectly with our laws and constitution, as evidenced by the common phrase found in our statutes: "the king's majesty, his heirs, and successors."

Here, the term "heirs" suggests an inheritance or hereditary typically associated with the royal individual. Meanwhile, the term "successors" implies that this inheritance can be bypassed, that a successor may without being the king's heir.

This is so entirely reasonable that without such a power held somewhere, our political system would be significantly flawed. Imagine the unfortunate scenario where the heir apparent is a lunatic, an idiot, or otherwise unfit to rule; how dire would the nation's situation be if he could not be removed from that position?

It is essential for this power to be held by someone; however, if it were explicitly placed solely in the hands of the subjects, the inheritance and royal authority would be quite unstable, subject to the whims of prejudice, caprice, or discontent.

[7] Interchangeably spelled with the variants, Steuart or Stewart.

[8] "National Records of Scotland; Hall of Fame A-Z – Mary Queen of Scots". NRS, 31st May 2013.

[8] 1 hist. P. C. 61.

As a result, there is no better place for this to be properly established than in the houses of Parliament, with the approval of the reigning king, who is unlikely to agree anything that could unfairly harm the of his own heirs. Thus, it is clearly entrusted to the king, lords, and gathered in Parliament.

However, despite any limitations or transfers of the crown, it maintains its inheritability and becomes hereditary for the individual who holds it. This is why, in our legal framework, it is said that a king never truly dies in his political role, even though he, like all individuals, is to natural death. As soon as Henry, William, Edward passes away, the king continues exist through his successor, and the right to the crown instantly transfers to his heir—whether that be the natural heir if the line of descent remains intact, or the heir if the inheritance is governed by specific terms

To ensure there is no interruption, as Sir Matthew Hale notes[9], the right of sovereignty is completely passed to the successor through the descent of the crown. Thus, regardless of how it is acquired, it becomes fully hereditary unless stated otherwise by the rules of limitation. Similarly, as landed estates are typically hereditary and can be passed down to the owner's heirs, there is still a power that allows for the transfer of that property to another individual.

If this transfer is executed straightforwardly and entirely, the lands will be inherited by the new owner and passed down to their legal heirs. However, if the transfer includes any restrictions, conditions, or entitlements, the lands must follow those specified terms and be passed on in any other way.

In Blackstone's view if my Layperson interpretations is correct, the constitutional concept of hereditary right to the throne and hereditary peerages depending on the limitations attached, is encapsulated in these points above. This will be further clarified and demonstrated through a brief historical overview of the English crown successions, the teachings of ancient legal scholars, and the various acts of parliament enacted over time to establish, declare, confirm limit, or obstruct the hereditary claim to the throne and relevant peerages, i.e., early personal dignity Earldoms, with an inferred limitation, fee simple.[10] [11]

In our exploration of this topic, we will discover that since the reign of King Egbert (d 839), the first sole monarch of this kingdom, father of Æthelwulf (d 858) and grandfather of his son King Alfed the Great (849-899), father of Edward the Exile, the four fundamental principles mentioned above have consistently served as the constitutional guidelines for succession.

While this succession has often been interrupted due fraud, force, or circumstances such as the crown passing to a minor during turbulent times, it has ultimately reverted to its traditional hereditary line, even a significant amount of time has passed in between.

Even in cases where succession has been disrupted, violated, the crown has ever been looked upon as hereditary in the wearer of it. Of which the usurpers themselves were so sensible, that they for the most part endeavoured to vamp up some feeble show of a title by descent, in order to amuse the people, while they gained the possession of the kingdom. Once possession was obtained, they it as the acquisition of a new hereditary estate and sought pass it down to their descendants through a form of hereditary usurpation.

[9] 1 hist. P. C. 61.
[10] Palmer, F. B. (1907), Peerage Law in England" A Practical Treatise for Lawyers and Laymen.
[11] Gadd. R. P (1985). Peerage Law.

Around the year 800, King Egbert ascended to the throne of the West Saxons, having inherited it through a continuous lineage from his ancestors for over three centuries. The manner in which his ancestors secured title—whether through force, deceit, agreements, or elections—is of little consequence to explore. This matter is rooted in such ancient history that any inquiries would only yield speculative.

His claim must be considered unquestionably valid, as we have no alternative understanding. He gained the other kingdoms of the heptarchy, some through consent, but most through willing submission. It is well-established principle in civil governance and international law when one country merges with another in such a way that one retains its government territories while the other loses them, the latter is completely absorbed into the former must adopt its laws and customs.[12]

Since the union of the heptarchy under King Egbert, there has always been a widespread acceptance of the monarchy of the West Saxons across all the united kingdoms, in line with this principle.

From the establishment of the heptarchy [13] under King Egbert, there has consistently been a general acceptance the hereditary monarchy of the West Saxons across all the united kingdoms, in line with this principle.

From Egbert to the death of Edmund Ironside, a period of above two hundred years, the crown descended regularly, through a succession of fifteen princes, without any deviation or interruption i.e., (the Athelings), save only that king Eadred, the uncle of Eadwig [and Edgar I], mounted the throne for about nine years, in the right of his nephew a minor, the times being very troublesome and dangerous. But this was with a view to preserve, and not to destroy, and succession; and accordingly, Eadwig, succeeded him [followed next by his brother Edgar I, and the grandfather of half-brothers of Edmund II and Edward the Confessor]. [mine].

King Edmund Ironside (Edmund II) had to divide his kingdom with Canute, the Danish king, as a result of Danes' aggressive invasion. After Edmund's death, Canute control of the entire kingdom, which led to the exile of Edmund's sons and a forced suspension of the succession. A new family ascended to the throne, which remained hereditary for three reigns until Hardiknute's death, after which the ancient Saxon line restored with Edward the Confessor (step son of Canut and step brother of Hardiknute]. [mine].

Edward the Confessor not the rightful heir to the crown, as he was the younger brother of King Edmund II (Ironside), who had a son named Edward the Exile, currently living in Hungary. Since the English had recently freed from Danish rule, it was essential for someone present to ascend to the throne, and Edward the Confessor was next in the royal line available in England.

[12] Puf. L. of N. and N. b. 8. c. 12. §. 6.
[13] The Heptarchy was the division of Anglo-Saxon England between the sixth and eighth centuries into petty kingdoms, conventionally the seven kingdoms.

Upon the death of Edward the Confessor, who died without issue, Harold II seized the throne. Almost simultaneously, the Norman invasion began. The rightful claim to the crown with Edgar, known as the Atheling, which means "the first of the royal blood" in Saxon. He was the son of Edward the Outlaw and the grandson of Edmund Ironside, reflecting the old constitution's view as expressed by Matthew Paris[14]: “Edmund Ironside, the natural king of royal descent, fathered Edward, Edward fathered Edgar, to whom the kingdom of England rightfully belonged.”

Succession through Conquest v Conquest

Duke William of Normandy claimed the crown based on a supposed grant from King Edward Confessor. However, even if this grant were genuine, it would still be completely invalid, as Harold pointed out in his response to William.[15] It was made "without the general assembly and edict of the senate and people," which clearly indicates that it was understood at the time that king could only transfer the crown and alter the line of succession with the consent of the general council.

William's English royal title was, in essence, equal to Harold's, despite being merely a private individual and lacking any royal lineage. Edgar the Ætheling's claim was overshadowed by the tumultuous nature of the times; although the English nobility often championed his right following the conquest, it ultimately faded when he died without heirs.

There, however, only served to strengthen the legitimacy of the newly established royal family, particularly, after it was revealed Edgar II “the Atheling” was the last Anglo-Saxon King of England, albeit a short reign October to December 1066, which ended with his resignation as a right to the throne.[16]

William of Normandy's conquest was similar to that of Canute's, as it forcefully shifted crown of England to a new lineage. However, along with the crown, all its inherent properties also transferred. The victory at Hastings was not merely a military achievement, [17] a victory over the nation collectively, but only over the person of Harold, the only right that the conqueror could pretend to acquire thereby, was the right to possess the crown of England, not to alter the nature of the government.

As the English laws continued to be in effect, he must accept the crown in accordance with those laws and all its inherent characteristics, the most significant being its discernibility, we must set aside our lineage of Anglo-Saxon kings, at temporarily, and trace our descent from William the Conqueror, who, through the right of conquest—though it may be a last resort for monarchs—secured a strong and undisputed claim to the hereditary crown of England.

As a result, the inheritance passed from him to his sons, William II and Henry I. It must be noted that his eldest son, Robert, was excluded from his rightful possession through the manipulation and aggression of his brothers. They acted on a belief that was common in inheritance law: that if the eldest son had already received a portion (as Robert was made Duke of Normandy by their father's will), the next brother was entitled to the remainder of father's estate. However, since Robert died without heirs, Henry ultimately had a legitimate claim the throne, despite any initial doubts.

[14] Mathew of Paris, A. D. 1066.
[15] William of Malmesbury, fb. l. 3.
[16] Orderic Vitalis, A.D. December 1066.
[17] Hale, hist. C. L. c. 5. Selden, Titles and Honors.c.8.

Stephen of Blois, his successor, was the grandson of the conqueror through his daughter Adelicia. He claimed the throne through a weak form of hereditary right not as the closest in the male line, but rather as the male relative of the royal blood, aside from his elder brother Theobald, who was already secured in his as the Earl of Blois.

The legitimate heir was Empress Matilda, also known as Maud, the daughter of Henry I According to the rules of succession that permit female heirs, a daughter of a son is favoured over a son of a. daughter.

Thus, Stephen was essentially a usurper; he opted to rely on an elected title,[18] and the empress Maud did not fail to assert her right by the sword: which dispute was attended with various success, and ended at last in a compromise, that Stephen should keep the crown, but that Henry II the son of Maud (Empress Matilda) should succeed him; as he afterwards accordingly did.

Henry II, of that name, was the undoubted heir of William the conqueror; but he had also another connection in blood, which endeared him still farther to English. He was lineally descended from Edmund Ironside, the last of the Saxon race of hereditary kings. For Edward the outlaw, the son of Edmund Ironside, had - besides Edgar the Ætheling,[19] who died without issue – his sister Margaret, who was married to Malcolm king of Scotland; and in her the Saxon hereditary right resided. By Malcolm she had several children, and among the rest Matilda the wife of Henry I, who by him had the empress Maud, the mother of Henry II.

Upon which account the Anglo-Saxon line is in our histories frequently said to have been restored in his person, Henry II: though in reality that right subsisted in the sons of Malcolm by queen Margaret; king Henry II's best title being as heir to the conqueror.

From Henry II the crown descended to his eldest son Richard I, who dying childless, the right vested in his nephew Arthur, the son of Geoffrey his next brother; but John, the youngest son of king Henry, seized the throne; claiming, as appears from his charters, the crown by hereditary right:[20] that is to say, he was next of kin to the deceased king, being his surviving brother; whereas Arthur was removed one degree farther, being his brother's son, though by right of representation he stood in the place of his father Geoffrey.

Although the titles of William Rufus and Stephen of Blois may seem flimsy to us now, given that the law of descents has been established centuries, they were enough to confuse our brave but uneducated ancestors. It is not surprising that many supported King John's claims, especially since even during father, King Henry II's reign, the matter remained unresolved,[21] Whether, in cases of common inheritance, the child of an elder brother should inherit the land by right of representation, or if the surviving brother should inherit by right of proximity of blood.

[18] "Ego Stephanus Dei gratia assensu cleri et populi in regem Anglorum electus, etc." ["I, Stephen, elected King of England, by the grace of God, and the assent of the clergy and people."] (Cart. A. D. 1136. Ric. de Hagustald 314. Hearne ed guil. Neubr. 711.).
[19] Bernard Burke, makes Edgar the Atheling married to Malcolm III's sister, Margaret. Edgar died without issue.
[20] "… Regni Angliae; quod nobis jure competit haereditario." ["Of the kingdom of England; which falls to us by hereditary right."] Spelm. hist. R. Foh. apud Wilkins. 354.
[21] Glanv. l. 7. c. 3.

Nor is it to this day decided in the collateral succession to the fiefs of the empire, whether the order of the stocks, or the proximity of degree shall take place.[22] However, on the death of Arthur and his sister Eleanor without issue, a clear and indisputable title vested in Henry III the son of John: and from him to Richard the second, a succession of six generations, the crown descended in the true hereditary line.

Under one of which race of princes,[23] we find it declared in parliament, “that the law of the crown of England is, and always has been, that the children of the king of England, whether born in England, or elsewhere, ought to bear the inheritance after the death of their ancestors. Which law, our sovereign lord the king, the prelates, earls, and barons, and other great men, together with all the commons, in parliament assembled, do approve and affirm for ever.”

After Richard II abdicated the throne and left no heirs, the right to the crown passed to the descendants of his grandfather Edward III. Edward III had several children, but to it simple, I will only highlight three: his second son William, who died without; Lionel, the Duke of Clarence, his third son and John of Gaunt (1340-1399), the Duke of Lancaster, his fourth son.

According to the rules of succession, the descendants of Lionel, of Clarence, were entitled to the throne following King Richard's resignation. The king had previously declared them presumptive heirs to the crown many years earlier, and this declaration also ratified by parliament.[24] Henry, Duke of Lancaster and son of John of Gaunt, possessed a substantial army in the kingdom, claiming its purpose was to reclaim his inheritance from the king and address the people's grievances. Given this situation, no other title could be safely asserted, and he ultimately ascended to the throne as Henry IV.

But, as Sir Matthew Hale remarks,[25] Although the individuals unjustly supported Henry IV in his seizure of crown, he was not granted it until he asserted his claim not as a conqueror, (which he very much inclined to do[26]) but a rightful successor in direct descent from the royal bloodline, as evidenced by the parliamentary records of era.

To achieve this, he organised a show with two narratives: one claimed to be the first in the male royal lineage, despite the Duke of Lancaster having only one daughter, Philippa. This female line eventually led to the House of York through her marriage to Edmond Mortimer, Earl of March. The narrative revived a discredited rumour originally spread by John of Gaunt, suggesting that Edmond, Earl of Lancaster—Henry mother's ancestor—was actually the elder brother of King Edward I, though his had presented him as the younger due to his physical deformity.

Thus, Henry would have a claim to the crown either as Richard II's successor, if the male line was prioritised over the female or even before that unfortunate king if the crown could pass through a female while a male line still.

However, as in Edward II’s time, we find the parliament approving and affirming the law of the crown, as before stated, so in the reign of Henry IV they actually exerted their right of new-settling the succession to the crown. And this was done by the statute 7 Hen. IV. c. 2.

[22] Mod. Un. hist. xxx. 512.
[23] Stat. 25. Edw. III. St. 2.
[24] Sandford’s Geneal History. 246.
[25] hist. C. L. c. 5.
[26] Seld. tit. hon. 1. 3.

Whereby it is enacted, that the inheritance of the crown and realms of England and France, and all other the king's dominions, shall be set and remain[27]in the person of our sovereign lord the king, and in the heirs of his body issuing;" and prince Henry is declared heir apparent to the crown, to hold to him and the heirs of his body issuing, with remainder to lord Thomas, lord John, and lord Humphry, the king's sons, and the heirs of their bodies respectively. Which is indeed nothing more than the law would have done before, provided Henry the fourth had been a rightful king.

It however serves to show that it was then generally understood, that the king and parliament had a right to new-model and regulate the succession to the crown. And we may observe, with what caution and delicacy the parliament then avoided declaring any sentiment of Henry's original title. However, Sir Edward Coke more than once expressly declares,[28] that at the time of passing this act the right of the crown was in the descent from Philippa, daughter and heir of Lionel duke of Clarence.

Nevertheless, the crown descended regularly from Henry IV to his son and grandson Henry V and VI; in the latter of whose reigns the house of York asserted their dormant title; and, after imbruing the kingdom in blood and confusion for seven years together, at last established it in the person of Edward IV.

At his accession to the throne, after a breach of the succession that continued for three descents, and above threescore years, the distinction of a king *de jure* [by right], and a king *de facto* [in fact] began to be first taken; in order to indemnify such as had submitted to the late establishment, and to provide for the peace of the kingdom by confirming all honors conferred, and all acts done, by those who were now called the usurpers, not tending to the disherison of the rightful heir. In statute 1 Edw. IV. c. 1. the three Henrys are styled, "*late kings of England successively in dede, and not of ryght*."

In all the charters that Blackstone encountered from King Edward, whenever he referenced any member of the Lancaster line, he referred to them as "nuper de facto, et non de j, reges Angliae" ["late kings of England fact and not of right"].

Edward IV had two sons and a daughter His eldest son, King Edward V, held the throne for a brief period before being deposed by his Richard, who usurped the crown, had previously sown doubts about the legitimacy of Edward IV children to support his claim to the throne. It is widely believed that he subsequently murdered his two nephews, which led to their sister Elizabeth inheriting the right to the crown.

The oppressive rule of King Richard III provided an opportunity for Henry, Earl of Richmond, to claim his right to the throne. This claim was one of the most distant and questionable ever made, and it could only succeed due to the widespread hatred of the usurper Richard at the time. In addition to asserting his lineage from John of Gaunt, whose claim had been discredited, Henry's assertion was based on a connection through John, Earl of Somerset, a legitimate son born to John of Gaunt and Catherine Swinford.

[27] "Soit mys et demerge" (Latin) [English, "Shall be set and remain"].
[28] 4 Inst. 37, 205.

It is true, that, by an act of parliament 20 Ric. II, this son was, with others, legitimated and made inheritable to all lands, offices, and dignities, as if he had been born in wedlock: but still, with an express reservation of the crown, "*excepta dignitate regali*" [29] [royal dignity excepted].

Notwithstanding all this, immediately after the battle of Bosworth field, he assumed the regal dignity; the right of the crown then being, as Sir Edward Coke expressly declares,[30] in Elizabeth, eldest daughter of Edward IV: and his possession was established by parliament, held the first year of his reign. In this act, Parliament appears to have taken a cue from caution exercised by their predecessors during Henry IV's reign. As historian Lord Bacon notes, they deliberately avoided acknowledging Henry VII's right, which was non-existent.

The king did not want a new law or ordinance that might imply the creation of a right for him., a middle ground was chosen, as the esteemed historian puts it, through establishment phrased in vague terms: "that the inheritance of the crown should rest, remain, and abide in King Henry VII and the of his body." This approach ensured future security while recognising current possession, without clarifying whether that possession was legitimate or merely.

Shortly after, he married Elizabeth of York, the clear heiress of the conqueror, which, as Sir Edward Coke states, [31] became his strongest claim to the crown. Consequently, the act established in his favour was so overlooked that it was never published in our books. Henry VIII, the product of this marriage, ascended to the throne through an undeniable hereditary claim and passed it on to his three children in sequential order. However, during his reign, the parliament frequently engaged in discussions to regulate the succession to the kingdom.

The statute 25 Hen. VIII. c. 12 outlines the issues that arise from titles due to the lack of clear legal provisions regarding succession. It establishes that the crown is to be inherited by the reigning monarch and the male heirs of his body. If there are no male heirs, the crown pass to Lady Elizabeth, identified as the king's eldest legitimate daughter, excluding Lady Mary because of her alleged illegitimacy stemming from her mother Queen Catherine's divorce.

The inheritance will continue through Lady Elizabeth's descendants and their female heirs, following the customary of inheritance in England, and if there are no female heirs, it will revert to king's rightful heirs forever. This statute effectively supports all four initial claims we presented.

However, following the king's divorce from Ann Boleyn, this statute was repealed by statute 28 Hen. VIII. c.7 concerning the crown's settlement. In this statute, both Lady Elizabeth and Lady Mary were declared illegitimate, and the crown was settled the king's children with Queen Jane Seymour and his future wives. If there were no such children, the crown would then be passed on to those individuals the king designated through letters patent or his last will and testament.

A vast power; but, notwithstanding, as it was regularly vested in him by the supreme legislative authority, it was therefore indisputably valid. But this power was never carried into

[29] 4 Inst. 36.
[30] 4 Inst. 37.
[31] Ibid. 4 Inst. 37.

execution; for by statute 35 Hen. VIII. c. 1. the king's two daughters are legitimated again, and the crown is limited to prince Edward by name after that to the lady Mary, and then to the lady Elizabeth, and the heirs of their respective bodies; which succession took effect accordingly, being indeed no other than the usual course of the law, with regard to the descent of the crown.

But lest there should remain any doubt in the minds of the people, through this jumble of acts for limiting the succession, by statute 1 Mar. p. 2. c. 1. queen Mary's hereditary right to the throne is acknowledged and recognized in these words: "the crown of these realms is most lawfully, justly, and rightly descended and come to the queen's highness that now is, being the very, true, and undoubted heir and inheritrix thereof."

Upon the queen's marriage with Philip of Spain, in the statute which settles the preliminaries of that match,[32]the hereditary right to the crown is thus asserted and declared: "as touching the right of the queen's inheritance in the realm and dominions of England, the children, whether male or female, shall succeed in them, according to the known laws, statutes, and customs of the same." Which determination of the parliament, that the succession shall continue in the usual course, seems tacitly to imply a power of new-modelling and altering it, in case the legislature had thought proper.

Upon Queen Elizabeth I's accession, her authority is acknowledged in even more emphatic terms than that of her sister, with Parliament acknowledging,[33] that the queen's highness is, in truth and by rightful claim, our most lawful and rightful sovereign and queen, as established by the laws of God and the statutes of this realm. Her highness is lawfully descended from the royal bloodline of England, and the imperial crown and dignity of this realm rightfully belong to and her lawful heirs.

In the same reign, statute 13 Eliz. c. 1. clearly asserts Parliament's right to determine the succession the crown. It states, "If any individual holds affirms, or maintains that the common laws of this, unchanged by Parliament, should not dictate the right to the crown of England; or that the queen, with the authority of Parliament, cannot create laws and statutes with sufficient strength and validity to limit and bind the crown its descent, limitation, inheritance, and governance; that person shall be deemed guilty of high treason during the queen's life and guilty of a misdemeanour afterward, resulting in the forfeiture of their goods and chattels."

Following the death of Queen Elizabeth I, who left no heirs, the line of Henry VIII came to an end. Consequently, it was necessary to turn to the other of Henry VII, through his queen of York. The eldest daughter, Margaret, married James IV, of Scotland, and their lineage continued with James VI of Scotland, who also became James I of England.

His identity embodies, much like in Henry VIII, the culmination of various claims from competitors since the conquest, as he is the direct descendant of the conqueror. Even more notably, his lineage also represents the rights of the Anglo-Saxon monarchs, which had been in abeyance from the time of the conquest until his ascension.

Margaret, the sister of Edgar the Ætheling, daughter of Edward the Exile, and granddaughter of King Edmund II (Ironside), was noted as the rightful heir to the Anglo-Saxon kings, assuming that the conquest did not abolish this. She married Malcolm, the king of Scotland,

[32] 1 Mar. p. 2. c. 2.
[33] Stat. 1 Eliz. c. 3.

and Henry II is often referred to the restorer of the Anglo-Saxon line due to his descent from their daughter Matilda of Scotland, wife of Henry I.

It should be noted that Malcolm had both sons and daughters with an Anglo-Saxon queen, and the royal family of Scotland since then descends from Malcolm and Margaret. Among this royal lineage, King James I the direct lineal heir, thereby consolidating all hereditary claims to both the English and Scottish thrones, as he was a descendant of Egbert and William the Conqueror.

Thus, right vested in him was not natural, but rather a positive right. This perspective was the understanding taken by the English parliament, through statute 1 Jac. I. c. 1, “and acknowledged that immediately upon the dissolution and death of Elizabeth, the late queen of England, the crown descended and came to his most excellent majesty by inherent birthright and lawful succession as he is the lineal, just, and rightful sole heir of the royal blood of this realm.”

Not a word is no mention here of any rights that come directly from heaven; if such rights exist, they must be sought among the island's original inhabitants, ancient Britons, some of whose leaders have indeed gone in search of them for him.[34]

However, as wild and absurd as the doctrine of divine right may be, it is even more astonishing that, despite the concentration of numerous hereditary rights in this king, his son and, King Charles I, was informed by those infamous judges who delivered his unprecedented sentence that he was an elective, chosen by his people and thus personally accountable to them for his actions.

The confusion, uncertainty, and turmoil that ensued after the tragic demise of that devout and ill-fated prince will serve as a lasting testament to merits of hereditary monarchy for generations to come. situation ultimately revealed to the misled populace that, in their quest to regain the peace and happiness they had been deprived of for two decades, they solemnly the rightful heir to the throne through a parliamentary convention.

In the declaration made for that purpose, which was and attended by both houses.,[35] they stated, "In accordance with our duty and loyalty, we wholeheartedly, joyfully, and unanimously recognize and proclaim that upon the passing of our late sovereign lord Charles, the imperial crown of these realms rightfully and lawfully descended to His Most Excellent Majesty Charles the Second, as the rightful and next heir of the royal bloodline of this realm. We humbly and commit ourselves, our heirs, and our future generations to this acknowledgment."

It is evident from the highest authority known to this nation that the crown of England has always been hereditary, though it is subject to limitations imposed by parliament The rest of this chapter will primarily focus on instances where parliament has claimed or exercised its

[34] Elizabeth of York, the mother of queen Margaret of Scotland, was heiress of the house of Mortimer. And Mr. Carte observes, that the house of Mortimer, in virtue of its descent from Gladys only sister of Lewellin ap Jorweth the great, had the true right to the principality of Wales, iii, 705.
[35] Com. Journal, 8 May, 1660.

right to and limit succession—a right that has previously been asserted during reigns of Henry IV, Henry VII, Henry VIII Queen Mary, and Queen Elizabeth.

The initial occurrence, chronologically speaking, is the notorious bill of exclusion that caused significant turmoil towards the end of King Charles II's reign. It is widely that the aim of this bill was to exclude the king's brother and heir apparent the Duke of York, from the line of due to his Catholic faith. While it was approved by the House Commons, it was ultimately by the Lords, and the king had previously that he would never agree to it.

From this transaction, we can gather two key points: 1 - The crown was universally recognized as hereditary, and the inheritance was deemed indefeasible unless altered by parliament, making the introduction of such a bill necessary; and 2 - Parliament possessed the authority to challenge the inheritance, otherwise, the bill would have been ineffective.

Blackstone recognises commoners recognised the hereditary right that was in place at the time and the lords did not challenge the authority but only the appropriateness of the exclusion. However, since the bill was ineffective, King II ascended to the throne of his forebears and could have enjoyed it for the rest of his life if not for his misguided actions, which, along with other contributing factors, led to the revolution in 1688.

The fundamental basis of that significant event was a completely unprecedented situation in politics, unparalleled in our: the abdication of the reigning monarch and the subsequent vacancy of the throne. It did not represent a cancellation of the right of succession or a new limitation of the crown by the king and both houses of parliament; rather, it was solely the act of the nation, driven by the belief that there was no king in existence.

In a complete gathering of the lords and commons convened to address this perceived, both houses [36] came to this resolution; “King James the Second, having attempted to undermine the constitution of the kingdom breaching the original contract between the monarch and the people and, under the counsel of Jesuits and other malicious individuals, having broken fundamental laws and withdrawn from the kingdom has abdicated the government, rendering the throne vacant.”

Thus, ended at once, by this sudden and unexpected vacancy of the throne, the old line of succession; which from the conquest had lasted above six hundred years, and from the union of the heptarchy in king Egbert almost nine hundred.

The facts themselves thus appealed to, the king’s endeavours to subvert the constitution by breaking the original contract, his violation of the fundamental laws, and his withdrawing himself out of the kingdom, were evident and notorious: and the consequences drawn from these facts, namely, that they amounted to an abdication of the government; which abdication did not affect only the person of the king himself, but also all his heirs, and rendered the throne absolutely and completely vacant, it belonged to our ancestors to determine.

Whenever a question arises between society as a whole and a magistrate who been granted authority by that society, the matter must be resolved by society's own voice; there is no other court on earth to turn to.

Our ancestors have officially concluded, in a comprehensive parliamentary convention representing the entire, that these consequences were reasonably inferred from the presented.

[36] Com. Journal, 7 Feb. 1688.

The rationale behind their decision is extensively documented in the parliamentary records of that era, providing us with fascinating opportunity to reflect on this aspect of history.

But care must be taken not to carry this inquiry farther, than merely for instruction or amusement. The idea, that the consciences of posterity were concerned in the rectitude of their ancestors' decisions, gave birth to those dangerous political heresies, which so long distracted the state, but at length are all happily extinguished.

Blackstone suggests that it's better to evaluate this significant political measure based on its authoritative foundation rather than arguing for it based on its fairness, moderation, and practicality. This approach implying a right to dissent or revolt if we perceive it as unjust, oppressive, or impractical.

Whereas, our ancestors having most indisputably a competent jurisdiction to decide this great and important question, and having in fact decided it, it is now become our duty at this distance of time to acquiesce in their determination; being born under that establishment which was built upon this foundation, and obliged by every tie, religious as well as civil, to maintain it.

While we rest this fundamental transaction on the most defensible grounds, we must acknowledge, in fairness and gratitude, that it carried out with a temperance and moderation that stemmed from its. Although it may have exceeded the letter of our ancient laws (the reason of which will more fully appear hereafter[37]) some respects, it aligned with the spirit of our constitution and the inherent to humanity.

Moreover, despite certain imperfections due to the unique circumstances at play, this marked the of a new era where the limits of authority and freedom have been more clearly defined government principles thoroughly examined, and the of individuals more explicitly protected by legal measures than at any other time in English history.

It is particularly noteworthy that the convention, in their judgment, wisely steered clear of the extreme paths that the idealistic theories of certain enthusiastic republicans could have taken them. They argued that King James's misconduct constituted an attempt to undermine the constitution rather than a complete subversion or total dissolution of the government in line with Mr. Locke's principles:[38] a) which would have reduced the society almost to a state of nature; b) would have levelled all distinctions of honor, rank, offices, and property; c) would have annihilated the sovereign power, and in consequence have repealed all positive laws; and d) would have left the people at liberty to have erected a new system of state upon a new foundation of polity.

They wisely determined that this amounted to nothing more than an abdication of the government, resulting in a vacancy of the throne. This allowed the government to continue functioning, even without an executive leader, while the royal remained intact despite King James no longer being king. In this way, the constitution was preserved; without it, a fundamental aspect royal authority would have been abolished or even suspended, leading to a of the government.

[37] See Blackstone Chapter 7.
[38] on Gov. p. 2. c. 19.

Once the premise of the throne's vacancy is established, everything follows seems almost inevitable. If the throne becomes vacant for any reason—such as the royal line being extinguished without a parliamentary successor—the responsibility for addressing this vacancy naturally falls to the lords and commons, who act as the nation's trustees' representatives. They are the most fitting custodians for this duty, and it is essential that this is entrusted to someone; otherwise, entire structure of government would be at risk of collapse.

The lords and commons, having established the fundamental principle that the throne was vacant, moved forward to address that vacancy in the manner they deemed appropriate.

On 12 February 1688, [39] it was declared that William and Mary, prince and princess of Orange, would be as king and queen, holding the crown and royal dignity their lifetimes and the lifetime of the survivor. The exercise of power would be solely in the hands of the prince of Orange, carried out in the names of both during their joint lives. After their deaths, crown and royal dignity would pass to the heirs of the princess, and if there were none, to Princess of Denmark and her heirs; failing, to the heirs of the prince of Orange.

The convention could have, if they wished, granted royal dignity to a completely new family with no ties to royal blood based on the previously established principles. However, they understood the advantages of hereditary succession and its customary on the people's minds, which prevented them from straying too far from the traditional lineage, except for reasons of temporary necessity and-preservation.

They established the crown first for King William and Queen Mary, King James's eldest, for their joint lifetimes; then for the survivor of them; and thereafter for Queen Mary's descendants. there were no heirs from Queen Mary, the crown would pass to Princess Anne, King's second daughter, and her descendants. Finally, if that line also failed, it would to the descendants of King William, who was the grandson of Charles I and the nephew son-in-law of King James II, being the son of Mary, his sister.

This arrangement included all Protestant descendants of King Charles I, any potential offspring of King James due to concerns about a Catholic succession. This order of succession was then enacted accordingly.

The three Crowns' succeeding through donation

These three princes—King William III, Queen Mary I, and Queen Anne—did not inherit the crown through hereditary right or lineage, but rather acquired through donation or, as lawyers refer to it; meaning any means of obtaining an estate that not through descent.

The new settlement was not simply about excluding King James the individual claiming to be the Prince of Wales while allowing the crown to pass through the traditional hereditary line.

[39] Com. Journal, 12th February, 1688.

In some cases, the usual line of succession was disrupted, yet the convention remained mindful of it and maintained considerable, though not complete, respect for it.

Let's explore how the succession would have appeared if there had been no abdication and King James had only two daughters, Queen Mary and Queen XXX. The order would have been: Queen Mary and her descendants; Anne and her descendants; followed by King William and his descendants. However, it's important to note that Queen Mary was only queen in name, ruling alongside her husband, King William, who held all the royal authority. Furthermore, King William was given precedence over Queen Anne, even though his heirs were placed after hers. Thus, it is clear that these monarchs acquired the crown through a different title than the traditional line of succession.

Near the conclusion of King William's reign, as the prospects for any heirs from these princes faded with the death of the Duke of Gloucester, both the king and parliament deemed it essential to reassert their authority in determining the of succession. This was necessary to avert another potential vacancy on the throne, since the provisions established during the revolution only accounted for the descendants of King William, Queen Mary, and Queen.

The parliament had previously enacted in the statute of 1 W. & M. St. 2. c. 2 that anyone who reconciled with or communicated with the see of Rome, professed the Catholic faith or married a Catholic, would be permanently barred from inheriting, possessing, enjoying the crown. In such cases, the people would be released their allegiance, and the crown would pass to Protestant individuals who would have inherited it had reconciled person died naturally.
To remain consistent with their previous decisions and honor the old hereditary line as much as possible, they looked to Princess Sophia, Electress and Dowager Duchess of Hanover, the most distinguished ruler of her time.[40]

Extinction of the protestant descendants of Charles I

Upon the imminent extinction of the Protestant descendants of Charles I, the old law of royal succession mandated a to the lineage of James I. The princess Sophia, daughter of Elizabeth, Queen of Bohemia—James I's youngest daughter— the closest living heir of the ancient royal bloodline not barred by adherence to the Catholic faith. Thus, the crown's remainder was designated to her and her Protestant heirs, contingent upon the deaths of King William and Queen Anne without issue, as established by statute 12 & 13 W. III. c. 2. Additionally, it was that any future monarch must partake in the communion of the Church of England as legally established.

This represents the final restriction on the crown established by Parliament. The limitations imposed since the time of Henry IV up to now clearly demonstrate the authority of both the king and Parliament to modify or change line of succession.

Furthermore, it now considered a serious offense to challenge this authority. According to the statute 6 Ann. c. 7, anyone who maliciously asserts in writing or prints that the kings of this realm, with Parliament's authority, cannot create laws that bind the crown and its descent will

[40] Sandford, in his genealogical history, published A. D. 1677, speaking (page 535) of the princesses Elizabeth, Louisa, and Sophia, daughters of the queen of Bohemia, says, the first was reputed the most learned, the second the greatest artist, and the last one of the most accomplished ladies in Europe.

be committing high treason. Additionally, if someone expresses this view through, teaching, or spoken advice, they will face the penalties ofemunire.

The succession of the House of Hanover

Introducing Sophia of Hanover. She was born in The Hague to Frederick V, was previously the Elector Palatine and King of Bohemia, and Elizabeth (Stuart the daughter of King James VI and I. Sophia passed away just under two months prior to her ascension as Queen of Great Britain and Ireland. As a result, her son George became the successor to first cousin once removed, Queen Anne, on the British throne. Since then, the line of succession has been exclusively comprised of Sophia's legitimate Protestant descendants, as defined by law.

In September 1700, Sophia met her cousin, King William III of England, Scotland, and Ireland, at Hetoo Palace in Apeldoorn, Netherlands. This meeting took place just two after the death of his nephew, Prince William, Duke of Gloucester, the son of Princess Anne of Denmark (who later become Queen Anne). At that time, due to the ailing William III's hesitation to remarry, Sophia's potential in the line of succession became increasingly likely, as both she and her son were Protestants. Her candidacy was further supported by her upbringing in the Netherlands, where had developed a close relationship with William III and was fluent in Dutch, his native language.

Act of Settlement 1701

One year after their encounter, the Parliament of England enacted the Act of Settlement 1701. This legislation stated that if Anne or William III had no legitimate heirs, the crowns of England and Ireland would pass to "the most excellent princess Sophia, electress and duchess-dowager of Hanover" and her Protestant descendants.

Since Scotland was recognized as a separate state in international law at that time, this did not guarantee her succession as queen of Scotland, resulting in a succession crisis and ultimately the Treaty of Union Scotland and England in 1706/07.

Princess Sophia passed away before Queen Anne. Following her death, her eldest son, Elector George Louis of Hanover (1660–1727), became the heir presumptive and, within two months, succeeded Queen Anne as George I of Great Britain.

The throne passed from him to his late majesty, King George II, and then to his grandson and heir, our current gracious sovereign, King George III. Thus, it is clear that the title the crown is hereditary, though not as strictly hereditary as it was; additionally, the common ancestor or sovereign from whom the lineage descends has also changed.

The succession of the House of Hanover ended with Queen Victoria due to differing succession laws between the United Kingdom and Hanover. When Victoria died in 1901, the British throne passed to her son, Edward VII, who belonged to his father's House of Saxe-Coburg and Gotha. The House of Hanover continued in Hanover until it was succeeded by the House of Saxe-Coburg and Gotha, which was later renamed the House of Windsor.

The split of the crowns

Personal Union with Hanover: The British crown and the Electorate (later Kingdom) of Hanover remained in a personal union until 1837. The personal union of the British and Hanoverian thrones ended with William IV's death in 1837. Hanover's semi-Salic law of succession barred women from inheriting the throne, which meant the crown passed to Victoria's uncle, the Duke of Cumberland. Victoria's children, by contrast, took their father's name and belonged to the House of Saxe-Coburg and Gotha. The Kingdom of Hanover adhered to semi-Salic Law, which barred female succession as long as there was a male heir.

Queen Victoria's Accession

In the United Kingdom, Queen Victoria inherited the throne under male-preference primogeniture, as she was the niece of William IV and had no living male cousins in the direct line of succession.

Because Victoria was a woman, the Hanoverian throne passed to William IV's next surviving brother, Ernest Augustus, Duke of Cumberland. The Saxe-Coburg link is Queen Victoria who married her first cousin, Prince Albert of Saxe-Coburg and Gotha, in 1840. When their son Edward VII succeeded Victoria in 1901, the British royal house officially changed from Hanover to Saxe-Coburg and Gotha, following the paternal line.

The rise of the House of Saxe-Coburg and Gotha

When Queen Victoria died in 1901, her son Edward VII became the first British monarch of the House of Saxe-Coburg and Gotha. This house was renamed the House of Windsor by King George V in 1917 to distance the royal family from their German heritage during World War I.

Modern succession

The House of Saxe-Coburg and Gotha name in Britain was changed to the House of Windsor by King George V in 1917, during World War I, due to anti-German sentiment.

The modern succession to the Crown of England (now the British Crown) is determined by a combination of descent, legitimacy, and statutory law, most notably the Succession to the Crown Act 2013.

Key rules of modern succession

The rules of succession have evolved over centuries, with major updates implemented in 2015 is absolute primogeniture. Maeaning that for anyone born after October 28, 2011, the older child inherits the throne regardless of gender (meaning an elder daughter is not displaced by a younger son).

There is religious requirements, upheld and the monarch must be a Protestant and in "communion with the Church of England". Marrying a Roman Catholic no longer disqualifies a person from the line of succession, a change from previous law.

Parliamentary authority means that the Parliament retains the power to regulate the succession, as established by the Bill of Rights 1689 and the Act of Settlement 1701.

The monarch's consent for those in line for the throne to marry is limited to only the first six people in the line of succession. Marrying without consent disqualifies that person and their descendants from the line of succession, but the marriage itself is still legally valid.

Current line of succession

The current monarch is King Charles III, who ascended the throne immediately upon the death of his mother, Queen Elizabeth II, in September 2022. The current first six in line to the throne are:

1. William, Prince of Wales: King Charles III's elder son and heir apparent.
2. Prince George of Wales: Prince William's eldest child.
3. Princess Charlotte of Wales: Prince William's second child (she ranks ahead of her younger brother due to the 2013 Act).
4. Prince Louis of Wales: Prince William's youngest child.
5. Prince Harry, Duke of Sussex: King Charles III's younger son.
6. Prince Archie of Sussex: Prince Harry's elder child.

Summing up, key findings or determinations

Initially, the common stock was represented by Egbert, followed by William the Conqueror. Later, the reign of James I, the two common stocks merged and remained united until the throne's vacancy in 1688. Currently, the Crown depends more recently from Princess Sophia, to whom the inheritance was granted by new king and parliament. Formerly the descent was absolute, and the crown went to the next heir without any restriction: but now upon the new settlement, the inheritance is conditional, being limited to such heirs only, of the body of the princess Sophia, who are protestant members of the church of England, and are married to none, but protestants.

The petitioner's research serves as a tool to evaluate the hereditary lineage of kings from Egbert to Charles III, noting that Edgar the Atheling's hereditary title of Earl of Oxford, established in 1067, is currently dormant and under review for succession. This long-overlooked title is an inheritance of King Charles III. This document establishes the rightful successor to the title by David I, the most senior son of Margaret of Scotland, as the heir of Edgar the Atheling, thus linking him to Charles III regardless of any competing claims should the title be revived.

The researcher confirms that the petitioners—Hallifax, Lillee, and Guest—are descended from Margaret of Scotland and Malcolm III, while also demonstrating that, like King III, they also descend from the progenitors of the houses of Normandy, Wessex, and MacAlpin. It is firmly established that Edgar's title of Earl of Oxford, from 1067, is Majesty Charles III's personal property. Furthermore, the research confirms Charles as the hereditary successor of Egbert, highlighting that the hereditary succession of the Crown has remained intact since Egbert—roughly 1200 years—despite the twists and turns of conquest, upheld by England's constitutional rules and Acts of Parliament.

Reference List

To be constructed

Table of Names

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